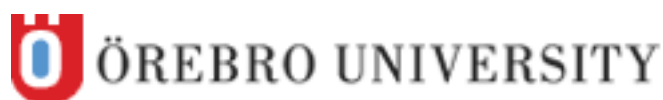


**This course syllabus is replaced by a new version.
The new version is valid from Spring semester 2015**



Course Syllabus

School of Behavioural, Social and Legal Sciences

Comparative and Foreign Law: The Origins, Today's World and the Future, Intermediate Course, 30 Credits

Course Code:	RV4421	Subject Area:	Field of Law
Main Field of Study:	Law	Credits:	30
Education Cycle:	First Cycle	Subject Group (SCB):	Law and Legal Studies
Established:	2012-08-30	Progression:	G1F
Valid from:	Spring semester 2013	Last Approved:	2012-10-01
		Approved by:	Head of School

Aims and Objectives

General aims for first cycle education

First-cycle courses and study programmes shall develop:

- the ability of students to make independent and critical assessments
- the ability of students to identify, formulate and solve problems autonomously, and
- the preparedness of students to deal with changes in working life.

In addition to knowledge and skills in their field of study, students shall develop the ability to:

- gather and interpret information at a scholarly level
- stay abreast of the development of knowledge, and
- communicate their knowledge to others, including those who lack specialist knowledge in the field.

(Higher Education Act, Chapter 1, Section 8)

Course Objectives

At the completion of the course the students shall be able to demonstrate a critical approach and reasoning toward questions concerning the role of comparative law in a world of cultural and religious diversity, and of dynamic legal development under the influence of Europeanization, Americanization and globalization.

Learning goals for sub-course 1: Comparative and Foreign Law: The Western Legal Tradition, 15 ECTS credits

At the completion of the course the students should exhibit:

- Basic knowledge of the functions of comparative law,
- Basic knowledge of the different legal regimes and their groupings into so called legal families,
- Knowledge of how the foremost western legal traditions have developed,
- Orientation on certain fundamental differences between civil law, common law and the Scandinavian legal family, as for example legal sources, the role of the courts, the relationship between private and public law.
- Insights into the relationship between the legal development and the changes in the general culture.
- Orientation on questions surrounding court law, applicable law and recognition and ratification of foreign judgments in private law related cases, and the ability to identify and solve simple private international law related questions,
- Ability to analyze the differences between the western legal families within certain specific legal

areas: contract law, torts, real estate law.

Learning goals for sub-course 2, Comparative and Foreign Law: The Legal Development beyond Europe, 7,5 ECTS credits

At the completion of the course the students should exhibit:

- Basic knowledge of certain religious legal systems such as the Islamic, the Hindu, and the Hebrew systems,
- Orientation surrounding the relationship between western (colonial) legal systems and local customary traditions in Africa,
- Knowledge of the legal development in Asia, and especially with consideration taken to China and Japan,
- Basic knowledge on the subject legal anthropology, its scientific goals and development,
- Ability to understand what sets the western legal tradition apart.

Learning goals for sub-course 3: Comparative and Foreign Law: Independent Comparative Studies 7,5 ECTS credits

- In depth insight into theoretical and methodological problems related to studies of foreign legal systems and comparative law,
- Ability to independently (under supervision) complete a comparative study while presenting and defending the results of the study both in written form and verbally at a final seminar, also displaying
- The ability to give constructive criticism and respond to such criticism with a foundation based on relevant legal scientific doctrine.

Skills and ability

The students shall display an ability to find, evaluate and communicate relevant legal information from central foreign legal systems, also displaying the skills necessary to apply comparative legal theory and method in verbal argumentation and in written form. The goal of the course is also to enhance the understanding of the interaction between legal norms.

Main Content of the Course

Sub-course 1. Comparative and Foreign Law: The Western Legal Tradition, 15 hp (15 ECTS credits):

The sub course offers the student a view of the western legal tradition. The main focus will be on the differences between the common law and civil law legal families. Legal sources and the role of the courts and other legal actors in the different systems are studied with particular attention. These topics will be treated in the context of the Scandinavian legal tradition as well. A discussion will also be held on whether the Scandinavian legal systems form their own legal family separated from the civil law tradition. Furthermore a foremost approach will also be taken toward discussing French, German and English legal tradition.

Sub-course 2. Comparative and Foreign Law: The Legal Development beyond Europe, 7,5 hp (7,5 ECTS credits):

This sub course will deal with some of the most interesting non-European legal traditions. Focus will lie on religiously based legal traditions, such as the Islamic, Hindu and Hebrew legal systems, also considering the legal development within Africa and certain Asian countries such as Japan and China.

The sub course will also give students some basic knowledge on the subject of legal anthropology. The course will especially analyze the relationship between the western (colonial) law, which is applied in the cities, and local customary law which is applied in the villages.

The sub course will end with an open debate on what aspects characterize the western legal tradition in comparison to the rest of the world.

Sub-course 3. Comparative and Foreign Law: Independent Comparative Studies 7,5 hp (7,5 ECTS credits)

In sub course 3 the students will, under supervision, write a memorandum in the area of comparative law.

The sub course will therefore be introduced with lectures and seminars concerning comparative theory and method.

The memorandums will be discussed as a specific seminar.

Teaching Methods

The course consists of lectures, seminars, discussion panels and mock negotiations. The objective is to supplement theoretical skills with practical exercises in both oral and written forms. There is mandatory attendance with respect to seminars during which the students present and discuss written assignments, in the discussion panels and the mock negotiations. Students are expected to prepare and actively participate in the different forms.

Students who have been admitted to and registered on a course have the right to receive tuition and/or supervision for the duration of the time period specified for the particular course to which they were accepted (see, the university's admission regulations (in Swedish)). After that, the right to receive tuition and/or supervision expires.

Examination Methods

The Western Legal Tradition, Comparative Law : Exam (Code: 0420)

Oral examination (max 30 credit points)

The Western Legal Tradition, Private International Law: Exam (Code: 0425)

Home exam (max 10 credit points)

The Western Legal Tradition: Obligatory Requirement 1 (Code: 0430)

Mock negotiation (max 10 credit points)

The Western Legal Tradition: Obligatory Requirement 2 (Code: 0450)

Memorandum and oral presentation (max 10 credit points)

The Western Legal Tradition, 15 Credits. (Code: 0460)

The results of the obligatory requirements are added in order to obtain the final grade for sub-course 1.

The Legal Development beyond Europe, 7.5 Credits. (Code: 0500)

Oral examination.

The Legal Development beyond Europe: Obligatory Requirement (Code: 0510)

Active participation in the seminars.

Independent Comparative Studies, 7.5 Credits. (Code: 0600)

Paper and oral presentation.

For further information, see the university's local examination regulations (in Swedish).

Grades

According to the Higher Education Ordinance, Chapter 6, Section 18, a grade is to be awarded on the completion of a course, unless otherwise prescribed by the university. The university may prescribe which grading system shall apply. The grade is to be determined by a teacher specifically appointed by the university (an examiner).

According to regulations on grading systems for first- and second-cycle education (vice-chancellor's decision 2010-10-19, reg. no. CF 12-540/2010), one of the following grades is to be used: fail, pass, or pass with distinction. The vice-chancellor or a person appointed by the vice-chancellor may decide on exceptions from this provision for a specific course, if there are special reasons.

Grades used on course are Fail (U), Pass (G) or Pass with Distinction (VG).

The Western Legal Tradition, Comparative Law : Exam

Grades used are Fail (U) or Pass (G).

The Western Legal Tradition, Private International Law: Exam

Grades used are Fail (U) or Pass (G).

The Western Legal Tradition: Obligatory Requirement 1

Grades used are Fail (U) or Pass (G).

The Western Legal Tradition: Obligatory Requirement 2

Grades used are Fail (U) or Pass (G).

The Western Legal Tradition

Grades used are Fail (U), Pass (G) or Pass with Distinction (VG).

The Legal Development beyond Europe

Grades used are Fail (U), Pass (G) or Pass with Distinction (VG).

The Legal Development beyond Europe: Obligatory Requirement

Grades used are Fail (U) or Pass (G).

Independent Comparative Studies

Grades used are Fail (U), Pass (G) or Pass with Distinction (VG).

For further information, see the university's local examination regulations (in Swedish).

Transfer of Credits for Previous Studies

Students who have previously completed higher education or other activities are, in accordance with the Higher Education Ordinance, entitled to have these credited towards the current programme, providing that the previous studies or activities meet certain criteria.

For further information, see the university's local credit transfer regulations (in Swedish).

Other Provisions

Concerning sub course 1 "The Western Legal Tradition" the students' results are evaluated through a system of credit points. The maximum credit level for the entire sub course is 60 points. Out of these the students can retain:

- A maximum of 30 credit points from the oral examination in comparative law
- A maximum of 10 credit points from the home exam in private international law
- A maximum of 10 credit points from the negotiations
- A maximum of 10 credit points from a research plan including a verbal presentation. The results from those three groups will be added in order to reach one of the following grades: U (Fail), G (Pass). And VG (Pass with distinction).

30 credit points are required to retain the grade G. 45 credit points are required to retain the grade VG.

The student also has to have received at least

- 15 credit points from the oral examination
- 5 credit points from the home exam
- 5 credit points from the negotiations
- 5 credit points from the research plan including a verbal presentation.

For a course grade of Pass with distinction (VG) a passing grade on the course in its entirety is required, a pass with distinction (VG) on the essay and a pass with distinction (VG) on sub course 1 or 2. Participation is mandatory at certain seminars where the students present and discuss written assignments, at debate panels and during the negotiations. Students are expected to prepare and actively participate in the different teaching formats.

Re-examination:

1. A student who fails has the right to sit a new examination. A new examination is usually given a certain time after the ordinary examination.
2. For a course that has been cancelled or significantly changed in content or scope, there may be examinations on three occasions within 18 months after the changes have been made.
3. A student who has failed an exam for a certain course or part of course on two occasions have the right to request the head of the department to appoint another examiner.
4. A student who has been awarded the grade Pass on a specific course may not be given a new exam in order to achieve the grade Pass with Distinction.

Transitional Provisions

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Reading List and Other Teaching Materials

Required Reading

Carlson, Laura (2004)

American Business Law

Uppsala: Iustus, 293 pages

Carothers, Thomas (2006)
Promoting the Rule of Law abroad: In search of Knowledge
 Carnegie Endowment for International Peace, 337 pages

M.A. Glendon- P.G. Carozza-C.B. Picker (2008)
Comparative Legal Traditions in a Nutshell
 West Publ. Co, 360 pages, 3rd edition, (selected parts of 310 pages)

McClellan, David and Ruiz, Veronica (2012)/8 edition
Morris on The Conflict of Laws
 Sweet & Maxwell, 589 pages, (selected parts of approx. 270 pages)

Wacks, Raymond (2006)
The Philosophy of law: A very Short Introduction
 Oxford, 144 pages, (selected parts of 50 pages)

Wael B. Hallaq (2009)
An Introduction to Islamic Law
 Cambridge University Press, 200 pages

Additions and Comments on the Reading List

Sub-course 1 / Delkurs 1:
 Articles as posted on Blackboard (app. 300 pp) / Artiklar publicerade på Blackboard (cirka 300 sidor)

Sub-course 2 / Delkurs 2:
 Articles as posted on Blackboard (app. 200 pp) / Artiklar publicerade på Blackboard (cirka 200 sidor)

Sub-course 3 / Delkurs 3:
 Reports and references to articles, will be posted on Blackboard (200 pp) / Rapporter och hänvisningar till artiklar publicerade på Blackboard (cirka 200 sidor)

The latest edition of the literature should be used. If a later edition of course literature is available but is not listed above, use the later edition. / Senaste versionen av litteraturen skall användas. Om en senare version än den som angetts är tillgänglig skall den senare användas.